

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

WILLIAM H. STOLLER,

Plaintiff,

v.

ROBERT A. FUNK *et al.*,

Defendants.

Case No. CIV-11-294-C

**DEFENDANTS ROBERT A. FUNK AND THE ROBERT A. FUNK TRUST'S
OBJECTIONS TO PLAINTIFF'S SUPPLEMENTAL EXHIBIT LIST**

Defendants Robert A. Funk and the Robert A. Funk Trust hereby submit the following objections to Plaintiff's Supplemental Exhibit List (Dkt. No. 159).

Ex. No.	Date	Description	DEX/ Bates No.	Objection	FRE Rule
413.	1/10/2000	Memo- Craig to Rahill re income tax issues facing the corporation	CD 01774-1779	Irrelevant	402
				Prejudice, Misleading	403
				Hearsay	802
414.	8/17/2009	Email string re Representation of Board of Directors of Express	ESI 0880249	Irrelevant	402
				Prejudice, Misleading, Confusion	403
				Attorney-Client Communication	501

Ex. No.	Date	Description	DEX/ Bates No.	Objection	FRE Rule
415.	8/20/2009	Email- Hart to Craig attaching Cason's memo to ESI Board of Directors dated 8/19/2009	ESI 0880254-0256	Irrelevant Prejudice, Misleading, Confusion Attorney-Client Communication	402 403 501
416.	9/30/2009	Memo.- Craig to Gardner re Conversation with Crowe & Dunlevy	JCRAIG 02423	Irrelevant Prejudice, Misleading, Confusion Attorney-Client Communication	402 403 501
417.	12/12/2011	Email string Chilton to Ramey re ESI Board Meeting 12/15	JCRAIG 02409-02411	Irrelevant Prejudice, Misleading, Confusion Hearsay	402 403 802
418.	12/20/2011	Email- Gardner to Funk re Employment Agreement Renewal- Fellingner 2012 (with attached Employment Agreement Renewal)	REF 00425; REF 00414-0424	Irrelevant Prejudice, Misleading, Confusion Hearsay Attorney-Client Communication	402 403 802 501

Ex. No.	Date	Description	DEX/ Bates No.	Objection	FRE Rule
419.	10/09/2013	Letter from Cole Ramey to Dennis Rawlinson re UU Bar Ranch and Swap Payments		Irrelevant Prejudice, Misleading, Confusion Hearsay Not identified or Authenticated (no copy appears to have been produced)	402 403 802 901
420.	[No date]	ESI website printout-Express Employment Professionals Company Overview		Irrelevant Not identified or Authenticated Hearsay	402 901 802
421.	12/09/1984	Article- <u>Express Services Formed to Replace Acme Personnel</u> (Bayless, Glen; <i>NewsOK.com</i>)		Irrelevant Hearsay Not identified or Authenticated Not produced in discovery	402 802 901
422.	9/04/1987	Shareholders' Agreement between Robert A. Funk and William H. Stoller	HCCNSTOL LERSUBPO ENA 000977-0984	Irrelevant Prejudice, Misleading, Confusion Hearsay Not identified or Authenticated	402 403 802 901

Ex. No.	Date	Description	DEX/ Bates No.	Objection	FRE Rule
423.	5/13/1993	Shareholders' Agreement between Express Services, Inc., Robert A. Funk, and William H. Stoller	HCCNSTOL LERSUBPO ENA 001059-1081	Irrelevant Prejudice, Misleading, Confusion Hearsay Not identified or Authenticated	402 403 802 901
424.	3/1/2006	Email- Stoller to Funk re New Mexico ranch financing	FUNK- 001371	Irrelevant Prejudice, Misleading, Confusion Hearsay	402 403 802
425.	1/28/2009	Email string Stoller to Funk re follow up to Dec. 12, 2008 email	STO200566- 0568	Irrelevant Prejudice, Misleading Hearsay	402 403 802
426.	2/26/2009- 3/1/2009	Email string Stoller to Funk re cleaning up our corporate governance	STO200363- 0364	Irrelevant Prejudice, Misleading, Confusion Hearsay	402 403 802
427.	3/5/2010	Email- Rupert to Rawlinson, Corbyn, Merkley, Gardner, Chilton, and Craig re "ESI, 3-5-10 recommendations"	DEX 204		

Ex. No.	Date	Description	DEX/ Bates No.	Objection	FRE Rule
428.	10/9/2013	Letter- Nicholas Merkley to Brian Sniffen response to Stoller's requests for additional information and documents		Irrelevant	402
				Prejudice, Misleading, Waste of Time, Confusion	403
				Hearsay	802

Defendants reserve the right to object once all exhibits are produced.

Respectfully submitted,

s/ George S. Corbyn, Jr.

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ATTORNEYS FOR DEFENDANTS
ROBERT A. FUNK AND THE
ROBERT A. FUNK TRUST

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2014, a true and correct copy of the foregoing document was served via ECF to all attorneys of record.

s/ George S. Corbyn, Jr.
George S. Corbyn, Jr.